

NOT FOR PUBLICATION

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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|---------------------------|---|-----------------------|
| United States of America, |) | No. CR04-0890-PHX-SRB |
| |) | CV05-2349-PHX-SRB |
| Plaintiff-Respondent |) | ORDER |
| vs. |) | |
| |) | |
| Roman Alberto Gonzalez, |) | |
| |) | |
| Defendant-Movant |) | |

Defendant, Roman Alberto Gonzalez, filed a Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 on November 28, 2005. The United States filed its response in opposition on March 24, 2006 and a Supplemental Filing Regarding Motion to Vacate, Set Aside, or Correct Sentence Pursuant to 28 U.S.C. § 2255 on August 31, 2006. Defendant did not file a reply.

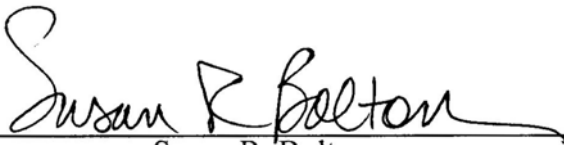
The Magistrate Judge filed his Report and Recommendation on September 28, 2006 recommending that Defendant's Motion to Vacate, Set Aside, or Correct Sentence be denied. In his Report and Recommendation the Magistrate Judge advised the parties that they had 10 days from the date of service of a copy of the Report and Recommendation within which to file specific written objections with the Court. The time to file such objections has long since expired and no objections to the Report and Recommendation have been filed.

1 The Court finds itself in agreement with the Report and Recommendation of the
2 Magistrate Judge.

3 IT IS ORDERED adopting the Report and Recommendation of the Magistrate Judge
4 as the order of this Court.

5 IT IS FURTHER ORDERED that Defendant's Motion to Vacate, Set Aside, or
6 Correct Sentence is denied. (Doc. 37).

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8 DATED this 14th day of November, 2006.

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12 Susan R. Bolton
13 United States District Judge
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